G.R.S. IX—5]

Revenue

Previous references.
48-04
4-98

192 ( )

File No. 360
Serial Nos. 2 – 8

Later references.
68-24-1-5
26-26-1-4

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 7

Part B for December 1923

SUBJECT

Appeal for the Continuance of the Respondent Krishnamachar in the Peishi office of the Sri Venugopalaswami Temple at Bashetinnavadinne at Seringapatam.

No. 847 dated 15.12.23 To the Mag Comr

The appeal is dismissed

1922

GENERAL AND REVENUE SECRETARIAT.

Inuzrai)

NOTES.

File No

FILE HEADING.

Archakship of Sri Venugopala Swami temple at Paschimavahini in the Seringapatam Taluka.

From

Sesha Bhatta and Krishna Bhatta, Seringapatam

No. Petition Dated Received 9-3-23.

Diary No.	Enclos. 2	Spare Copies.	Serial No. 1
1448			

BRIEF ABSTRACT OF LETTER.

Appeal against the Dy. Comrs. order directing the continuance of the respdts Krishnamachar in the Pujani office of the said temple.

NOTES AND ORDERS.

The petition is duly stamped. A copy of the order appealed against has been produced. The Dy. Comrs order is dated 21-12-22. The petn applied to the Inuz. Comr on 24-1-923, but

NOTES—First Sheet.

Serial No.

were directed to apply to Jhuj Collr. no. 385 dy 30.1.23. may have appealed to Govt. A dft. calling for report with records, is submtd.

13.3.23. 14/3/23.

2 No 2584 dy 24/3/23 to the Hon. Comm.

Fds the R. 1 for ~~transmission~~ a report—

3. From: the Jhuj. Comr, Letter no. C. 1389 dy 1.6.23 forwards the entire records connected with the case.

A dft. calling for the Jhuj. Comr's opinion, is submd.

12/6/23

4 No 3084 dy 5-7-23 to the Hon. Comm.

Requests to furnish his opinion in the matter.

NOTE—Contn. sheet.

General and Revenue Secretariat.

Inwz File No. 360 of 1922

Serial No. 5.

From, The Inwzai Commissioner, Letter no. C. 1389 dt 23. 7. 1923.

Submits the report called for in Sl. 4.

The Inwz. Comr reports that since the appellants do not seem to have performed the duty for the past nearly 40 years and since assuming by Sec 34 of the Inwz. Regn, it has not been expressly declared by Competent authority that the office would descend by hereditary right in the family, the Dy. Comrs. order declining to interfere with the present arrangement in preference to the appellants' claim appears to be correct.

The Dy. Comrs order appealed against dt 21-12-1922 has been flagged.

The appellants represents that the Archak post is hereditary in his family, that the arrangement sanctioned by him has not been altered

NOTE—Contn sheet

G. R. S. III-2,

General and Revenue Secretariat.

Mucz File No. 31 of 19 22

Serial No.

by the Dy. Comr. The Dy. Comr's statement that the appellants have not at least for several years past performed the Archa duties is wrong and unfounded, may the case be remanded to the Dy. Comr (Thro. the Asst. Comr.) for an enquiry and a detailed report on the above points?

Submitted for orders.

AVJ 28-7-23-BL 28/7/23

The contention of the appellant Sesha Bhatta that the Archak's post is hereditary in his family appears to have been fairly well established as may be judged by the order passed by the Sub Division Officer on 27/6/1922 after an examination of the records produced before him. That officer has recognised Sesha Bhatta as Baraworddar Archak and authorised the appointment of a Gumasta during the Baraworddar's employment on other duty. But the Dy Commr has set aside the order on the

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | Grey File No. of 19

Serial No.

ground that Sesha Bhatta does not appear to have performed the duties of Archak for the past few years. But Sesha Bhatta challenges this statement and says that it is wrong and unfounded. The case might perhaps be posted for hearing and the appellant asked to produce documentary or other evidence to prove how the Dy. Commr's statement is wrong and unfounded.

13. 2nd Member) dcg 1/8/23

Case may be posted to 15th Sept for hearing

dcg 2/8

Draft dcg 4/8/23

DO. Notices Salmir

7.8.23. The notices have been issued.

7 The appellants have filed a written statement. The case is fixed for hearing on the 15th Sept. Solicitor.

320- 14.8.23

NOTE—Contn. sheet.

[illegible] 14/8/23 2nd Member) dcg 14/8/23

[illegible] may this file be sent for [illegible]

G. R. S. III-21

General and Revenue Secretariat. | File No.

Serial No.

The papers were sub. to 2nd member for perusal of the written Statt. The papers will be sub. again a few days before the date of hearing.

BG
16.8.23

The case is posted to the 15th Sept. 1923 for hearing. The file may be sub'd to the 2nd member for perusal.

BG
11.9.23

Case called in Kesavanjee for appellants: Mr N N Narasimhajee for the resp^t (Standing Counsel BS Narasimhajee) — the resp^t are not represented.

2 Mr. Pandya says that they were receiving the Tarika allowance for the long time past & they now in hand has documentary evidence on the point. He states he may for the present produce Extracts from the Jd Records & also who receives actual papers of the Tarika each year. Mr. Pandya suggests to produce the Extracts. Case is accordingly adjd to 3rd Nov

15

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 19

Serial No.

Regd No?
19.9.23 Issue 19/9/23

6

[illegible]

Case called
Pleader [illegible] on both
sides present.
Order Reserved

3/11

388
14.11.23.

From the copies of Banswara Regd Entries produced by the parties it is seen that
1918, the appellants Lady [illegible] was in receipt
of a monthly allowance of Rs 5/5/10: when [illegible]
provided for Sadakhani on 25 Sawan last
Sard of the Temple: while the respondent
& the predecessor [illegible] on 25th [illegible]
for some time
been drawing for many years the gross allowance
of Rs 11/5/9. from as also the [illegible]
& 12 pm provided for Sankarjane.
From the perusal of the Records relating to

NOTE—Contn. sheet

G. R. S. III-21

General and Revenue Secretariat. | File No. of 19

Serial No.

In revision of the Scale of Expenditure in 1918 it was however appeared that though the appellant's pay had long been drawing his pensionary allowance of Rs 5/85/10 p.m they were not drawing any pension but were ~~in receipt of~~ being paid the above as a part of a personal grant allowance and that in Dept Case in the said sanction relating to revised Scale in 1918 ~~ordered his pay to be stopped~~ the Director was of view that the future progress of the ~~grant allowance~~ of the appellant but the stoppage was less the whole amount of the grant ~~allowance~~ which had been paid to him ~~from~~ on the post. That also no recovery from them as they had not been drawing any pension hitherto been in the receipt of this amount.

It is thus clear that though the appellant had long been in receipt of a ~~part~~ a part allowance of Rs 5/85/10 p.m they were receiving his amount as a personal grant & not as remuneration for the performance of any service in the temple and though ~~Even~~ if they had ~~no proper~~ been paid On the circumstances Even if one of opinion that even if the appellants had originally ~~had~~ a right to the Archakaship of the temple they forfeited the same & have lost their rights as long ago as Case & discontinued it for a very long period & their claim now is opposed to the principles of the appointment & the ~~duty~~ person

NOTE—Contn sheet

R. S. III-2]

Muzrai Secretariat | Muz. File No. 360 of 192

Serial No.

The claim of the appellants for the archakship of the temple cannot be recognised & hence the appeal is summarily dismissed.

14/11/23

14/11/23

14.11.23

14/11

Dpt. S.O. Submit.

Dt 15/11/23

17.11.23

Mr Appl.

24.11.23.

Rec. Secy. 24/11/23

24.11.23

8 To the Muz. Commr. No. 847 d. 15.12.23. states that the claim of the appellants for the Archakship of the above temple cannot be recognised and dismisses the appeal and requests the Muzrai Commr. to communicate

NOTE—Contn sheet

WD 0561-GPB-3750-1 8 22

G. R. S. III. 2]

Muzrai Secretariat | Muz. File No. 360 of 1922.

Serial No.	
1	The substance of the order to the parties concerned.

NOTE—Contn sheet

WD 0561—GPB—3750—1 8 22

Muz 41

SUBJECT .....

Diary No. of letter replied to 1468

Section

File No. 330-11

Serial No. 2

Muzrai Secretariat

( )

, *the* 192 .

No. 2534
three

Date of issue 22.3.23

To The Inez. Comr

Signed by Mr. T.E.J. Aiyar Sir,

I am directed to forward herewith for favour of a ~~[illegible]~~ report his remarks, petition regd. no. 1465 from Seshu Bhatta and Krishna Bhatta [illegible]

·over.

Hy. Comrs. order directing the continuance of the respdt Krishnamachar in the Pujari office of Sri Venugopal Swami Temple at Pashimabahini in the Sarangapani Sannidhi.

List of enclosures

C/1389/22-23. D 5/6/23
End one file received

41865

Office of the Muzrai Commissioner in Mysore,

Dated, Bangalore, the 1st June 1923.

From

K. Chandy, Esquire, B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

SECRETARIAT
2-JUN 1923
MUZRAI

D.No. 2227.

To

T.E. Jayarama Aiyar, Esq., B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Revenue Department,
Bangalore.

Sir,

With reference to your letter No.2534/Muz.360-22-2 dated the 22nd March 1923 forwarding for report with records the appeal petition of Seshabhatta and Krishna Bhatta of Serinagapatam in re their claim to the office of Archak in the temple of Sri Gopalakrishnadevaru at Paschimvahini, I have the honor to forward herewith the entire records received with the Deputy Commissioner's letter No. Ref.C.627/22-23 dated 25th May 1923 (copy of which is herein enclosed). The appeal petition and its enclosures are also returned herewith.

I have the honor to be,
Sir,
Your most obedient servant,

K. Chandy

Muzrai Commissioner

Letter No.Ref.C.627/22-23 dated 25th May 1923, from the Deputy Commissioner, Mysore District, to the Muzrai Commissioner in Mysore:--

---

"As called for in your letter No.C.1389 of 22-23 dated 2nd April 1923, I have the honor to forward herewith the entire file of vernacular papers connected with the appointment of Krishnamachar as Archik of the Sri Venugopalaswamy temple at Paschimavahini, Seringapatam Taluk. The facts of the case are fully set forth in the preamble to this of order of the 21st December 1922 (Flag A).

The petition received with your letter under reply is als transmitted herewith

---

Copy.

Muzrai Commissioner.

D.N.

Muz 4]

SUBJECT ....

.. ..

... .

Diary No. of letter replied to _____

Section Mur

File No. 860 - M

Serial No. 2

Muzrai Secretariat

( )

, *the* *192*

No. 3034
one file

Date of issue 15-6-23

To

The Muz. Comr

Signed by M. D. C. Subbaramayya (M)

According to your letter no. C. 1389 dated 1st June 1923 forwarding the records connected with the appeal petition of Sesha Bhatta and Krishna Bhatta and Seshagiri Rao

over.

their claim right to
the Archakship of
Sri Gopalakrishna
Devaru temple at
Parekunnakkini,
I am directed to request
that you ~~will~~ be so
good as to furnish
your opinion in
the matter. Records and [illegible]
I have etc.

List of enclosures.

Copied by

Examined by

WD 0563– GPB—2,500—27 7 22

C 13897-22
Inf. 4

2139 Office of the Muzrai Commissioner in Mysore,
Dated, Bangalore, the 19th July 1923.
23

From

K. Chandy, Esq., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

360-22-5

T.E. Jayarama Aiyar, Esq., B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Revenue Department,
Bangalore.

Sir,

With reference to your letter No.3034/Muz.360-22-4 dated the 15th June 1923 returning for resubmission with my opinion the records relating to the appeal petition of Seshabhatta and Krishna Bhatta of Seringapatam in re: their right to the office of pujari in the Sri Gopalakrishnaswami temple at Paschimvahini, Seringapatam Taluk, I have the honor to state that since the appellants do not seem to have performed the duty for the past nearly 40 years and since according to Section 34 of the Muzrai Regulation, it has not been expressly declared by competent authority that the office would descend by - hereditary right in the family, the Deputy Commissioner's order -- declining to interfere with the present arrangement in preference to he appellants' claim appears to be correct.

The records are herewith returned.

I have the honor to be,
Sir,
Your most obedient servant,

K. Chandy

Muzrai Commissioner.

D.N.

D 196

Before the Government of His Highness the Maharaja

of Mysore, Bangalore.

Appeal No. of 1922-23.

Presented
Reg
13/8/23

Appellants:- 1. Seshabhatta of Seringapatam

2. Krishnabhatta do

= Vs =

Respondents:- Krishnamachar and another

Appellants' written Statement is as follows.

1. The appellants hold the hereditary right of Archaka in the Gopalakrishnaswami Temple at - Paschimavahini. (Vide Division Commissioner's Order referred to in Mr. A. Rangaswami Iyengar's Judgment and also referred to by Taluq Authorities, (2) Sub Division Officer Mr Anantharaman's Order, (3) Sub Division Officer Mr S. Narayana Rao's Order, (4) the proposals of Muzrai Re-organization Scheme of 1918 recognising the right of the appellants and fixing the amount of salary of the appellants.)

2. It is not true that the appellants never exercised their rights for forty years. It is true that the work of the temple was performed through Gumastas. There was no separate cook for the temple service, the remuneration was ridiculously small namely, five annas ten pies and some offerings. The

Gumasta

Gumasta not being an Acharapurusha and disqualified to give thirtha and to touch Sri Shadagopa, the appellants regularly performed the service on all special occasions when the public visited the temple and received tit-bits besides five annas ten pies regularly paid by the Taluq Authorities every month till 1918 when a fixed pay of Rs.8/- was introduced.

3. It is not true the appellants hold several offices derogatory to the work. The appellants do minor duties in connection with three deities in the Ranganathaswami Temple and the emoluments all told come to Rs.13-3-0 and the authorities were satisfied with the work and sanctioned the appointment of - Gumastas from time to time no better arrangement being possible under the circumstances.

4. The right of the appellants was for the first time invaded forty five years ago by the then Gumasta Srinivasachar and the Taluq Authorities decided in favour of the appellants' father also called Seshabhatta and compelled Gopalachar -Srinivasachar's - brother, Srinivasachar having been dead- to hand over charge to Seshabhatta. The second attempt was made by Naraniengar Convenor in 1919 and Sub Division - Officer Mr. Anantharaman decided in favour of the appellants. The third attempt was made by Gumasta Krishnamachar the present Respondent in 1918 when a fixed pay of Rs.8/- was introduced and the Sub Division Officer Mr. S. Narayana Rao at the call of -

Mr. Bowring decided in favour of appellants, appointed a new Gumasta Veeraraghavachar and ordered the respondent to hand over charge when the respondent obtained an order from Mr. Bowring against the appellants contrary to law, facts, equity and good conscience and hence the appeal.

5. The appellants therefore pray the just and generous Government will be pleased to decide the appeal on its merits and to earn the lasting gratitude of the poor but loyal subjects of the Maharaja.

N. Krishnaswamy
Advocate for Appellants.

Bangalore,
13th August '23

your Government-
in Bangalore

ಕೋರ್ಟಿಗೆ.

19—19—ನೇ ಇಸವಿ ಆಗಸ್ಟ್ ನಂಬರು.

ವಾದಿ ಯಾ ಅರ್ಜೀದಾರ್	ಪ್ರತಿವಾದಿ ಯಾ ಅಪೋನೆಂಟ್.
1 Seeta Bhatta 2 Krishna Bhatta	Krishnamachar & another

ಮುಖಾಂತರ N. Keshavan, B.A., B.L. Advocate ವರಿಗೆ.

ವಾದಗಳು ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಅಬ್ಜೆರುನರುನಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ಜರಗಿನುವದ ಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಅರ್ಜರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟ್‌ನಿಂದ ನಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಪೂಬಲಗು, ಶಿಲ್ಕು ಪೊಬಲಗು ರೀಫಂಡು ಸ್ಟ್ಯಾಂಪು ಪೊಬಲಗು ದನ್ಸ್ಯೆವಜು ವನ್ಸೆರೆಗಳನ್ನು ಪಾವಸು ವಡೆಯುವಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮುತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದ್ದೇನೆ.

ತಾರೀಖು. 8-8-23 } ರುಜು

ಈ ಮೊಕ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.
N Krishnaiah

ಈ ಮೊಕ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನೆ.
N Keshavan
B.A., B.L.
Advocate

ಶ್ರೀ ವೆಂಕಟೇಶ ಪ್ರೆಸ್, ಬೆಂಗಳೂರು ಸಿಟಿ.

SUBJECT .....

Diary No. of letter replied to _____

Muzrai Secretariat

( )

, *the* 192 .

Section Mar.

File No. [illegible]

Serial No. 8

No. 460

Date of issue 22.9.23

To ~~The~~ The Muz. Comr.

Signed by Sri. D.C. Subbarayappa Avl

I am directed to refer to your letter no. C. 1389 dt 23.7.23 reporting on the appeal petition of Sesha Bhatta and Krishna Bhatta of Seringapatam re their right to the office of Pujari of Sri Gopala Krishna [illegible]

over.

I am directed to refer to your letter no. C. 1389 dt 23.7.23 reporting on the appeal petition of Sesha Bhatta and Krishna Bhatta of Seringapatam re their right to the office of Pujari of Sri

I am directed to refer to your letter no. C. 1389 dt 23.7.23 reporting on the appeal petition of Sesha Bhatta and Krishna Bhatta of Seringapatam re their right to the office of Pujari of Sri Gopala Krishna [illegible]

at Paschimavahini in
the Seringapatam Taluk,
I am directed to ~~forward~~
~~transmit~~ request ~~that~~
you ~~will~~ be so good
as to forward for reference
the file of papers
connected with the revised
scale of expenditure
sanctioned in the Land
Temple in the year
1918. ~~You will therefore~~ As the appeal is
posted for hearing on the 3rd Nov.
I have to, papers may kindly be
sent up so as to
reach this office
later than the 25th inst.

Secretary

List of enclosures.

Copied by

Examined by

2

C 1389 g 22 Office of the Muzrai Commissioner at Bangalore.
are file

Dated Bangalore, 10th October 1923.

13105

From

R. Chandy, Esquire., B.A.,

Muzrai Commissioner for Mysore,

Bangalore C. 0438

To

The Hon'ble Diwan Bahadur T. S. Jayarama Aiya, Esquire., B.A., B.L.,

Secretary to the Government of Mysore

Home Department

Revenue Department.

GEN. & REV. SECTT. Br Bangalore 13 OCT. 1923 G. D. SECTION

Sir,

As desired in your letter No.406/Misc.760-3-3 dated 22nd September 1923, I have the honour to forward herewith the Proc. Dis. of 18-19 dated 17th September 1923 relating to the revised scale of expenditure sanctioned in G.O. for the Sri Gopalakrishna Swami temple at Paschimavahini, Sorab Taluk, Shimoga District and the Deputy Commissioner's letter No.[illegible] of 3-10-23 dated 6th October 1923.

I have the honour to be,

Sir,

Your obedient servant,

for Muzrai Commissioner.

(Absent from the Sft.)

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

Date of issue.... 15-12-23

Signed by.....

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Section Jmw.

File No. 360-2.

Serial No. 8.

Proceedings of the Government of His Highness the Maharaja of Mysore

Read—

Petition regd. no. 1748 from Sesha Bhatta and Krishna Bhatta of Srirangapatam appealing against the Dy. Comrs. order directing the continuance of the respdt Krishnamachar in the

Order Thereon No.

Pujari office of Sri Venugopala Swami temple at Paschimavahini in the Srirangapatam Taluk

Correspondence

With Letter no. C. 1389 Dy
12-10-23 from the Insp
Comr in my Srce reporting
on the Subject.

Order 847/Insr-360-22-2
Encl on file 4/PP
Dy 15.12.23

The case was finally
heard on 3rd Nov 1923,
the parties being present
in person and represented
by Advocates.

From the copies of extracts from the
Baramahal Reg-s ~~Extracts~~
produced by the parties,
it is seen that till the
Revision of the Scale of
Expenditure of the temple
by the Dy. Comr in 1918,
the appellants had for a
long time been in receipt
of a monthly allowance
of Rs 0-5-10 which was
provided for Paditara
in the Sanctioned Scale
of the temple, while

List of enclosures.

Copied by

Examined by

WD 1956—GPB—1,000,00—21-12-21

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

The Respdt and his predecessor in title had been for some time drawing the gograss allowance of Rs 1-15-9 per mensem as also the sum of Rs 12/ per mensem provided for Santan pans. From the perusal of the Dy Collr's office record relating to the revision of the Scale of expts in 1918, it does appear however that though the appellant had long been drawing the paditara allowance of Rs 0-5-10 per mensem they were not doing any duties, but were being paid the above as a sort of personal grant. And that the Dy. Comr in his order sanctioning the revised Scales in 1918. directed

W1 220 GPB 100000—25 7 20

not only that the future payment of the grant to the appellant should be stopped, but that the total amount of the grant which had been paid to them in the past should also be recovered from them as they had not been performing any duties entitling them to the receipt of the amount. It is thus clear that though the appellants had long been in receipt of a small allowance of Rs 0-8-10 per mensem, they were receiving the amount as a personal grant, and not as remuneration for the performance of any services in the temple. In these circumstances, we are of opinion that

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

even if the appellants had originally a right to the archakship of the temple, they should be held to have lost that right, as they did not care to exercise it for a very long period and had allowed the office to be filled up by the appointment of other persons.

The claim of the apltS for the archakship of the temple cannot therefore be recognized. The appeal is accordingly dismissed.

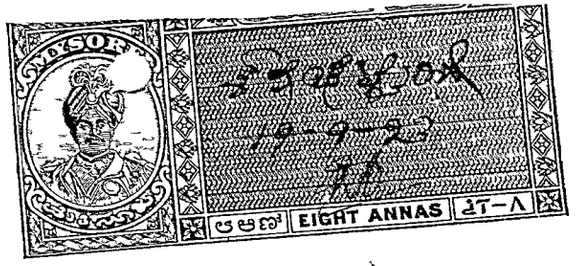
The Mug. Comr is requested to communicate the substance of the order to the parties concerned.

24.11.23 Rd Secretary

By 19.11.23

The Mug. Comr with the records

WD 2230- GPB- 1,00,000—23 7-20



Memo. sanctioning on the application of Seshabhatta